

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER W. LINDNER,

Plaintiff,

-v-

INTERNATIONAL BUSINESS MACHINES
CORP., ROBERT VANDERHEYDEN, HEATHER
CHRISTO HIGGINS, JOHN DOE #1, and JOHN
DOE #2,

Defendants.

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DATE FILED: <u>6/25/09</u>

No. 06 Civ. 4751 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

The Court is in receipt of Plaintiff's Objections to Magistrate Judge Eaton's Order of June 16, 2009 setting certain discovery parameters and denying Plaintiff an extension of the discovery period, as well Magistrate Judge Eaton's Order of June 18, 2009 denying Plaintiff's motion for reconsideration of the June 18, 2009 Order. Plaintiff's Objections also contain requests for certain other miscellaneous relief, including, *inter alia*, sanctions against Defendants for allegedly tampering with his witnesses and a request that the Court order defense counsel to "surrender their firearms." (Pl.'s Obj. at 2.)

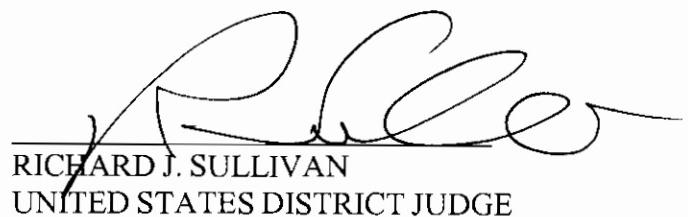
A district court "may reconsider" any non-dispositive ruling by a magistrate judge "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); *see also* Fed. R. Civ. P. 72(a); *Fielding v. Tollakson*, 510 F.3d 175, 178 (2d Cir. 2007). "Matters concerning discovery generally are considered 'non-dispositive,'" and thus are assessed under this clear error standard. *Thomas E. Hoar, Inc. v. Sara Lee Corp.*, 900 F.2d 522, 525 (2d Cir. 1990). The Court has reviewed Magistrate Judge Eaton's Orders of June 16, 2009 and June 18, 2009, and finds no clear error in the rulings. Indeed, the

contentions in Plaintiff's Objections are wildly speculative and completely without merit; leaving these allegations aside, the principal basis for Plaintiff's objection seems simply to be that he has received an adverse ruling. This is not a cognizable basis for reversing Magistrate Judge Eaton's rulings. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Objections are DENIED, and Magistrate Judge Eaton's Orders are AFFIRMED.

IT IS FURTHER ORDERED that Plaintiff's requests for miscellaneous relief, including sanctions against Defendants, an Order of Protection against defense counsel, and certain extensions of time, are DENIED in their entirety. Plaintiff's adduced grounds for requesting such relief are entirely without basis in law or in fact.

SO ORDERED.

Dated: June 24, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE